



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ003P4

Application No.: 09/852,659

Confirmation No.: 5111

Filed: May 11, 2001

Art Unit: 1636

For: Secreted Protein HPMBQ91 (As Amended)

Examiner: D. Sullivan

**SECOND SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references P-Y listed on the attached Form PTO/SB/08. Copies of the references are enclosed.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(c), since this Second Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before

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the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Second Supplemental Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) or the fee as specified in 37 C.F.R. § 1.17(p).

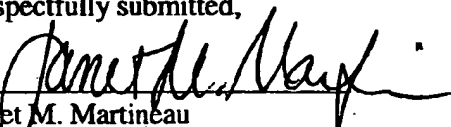
Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Second Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Second Supplemental Information Disclosure Statement. In particular, the listed references were cited in a European Search Report mailed October 23, 2003, in connection with a corresponding international application.

Applicant believes that no fee is due in connection with this submission. However, should the Patent & Trademark Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: December 1, 2003

Respectfully submitted,

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